APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,785	11/30/2000	Rich Robinson	P209/1938P	2704

29141	7590	01/12/2005

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EXAMINER
VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
2178	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/728,785	ROBINSON ET AL.
	Examiner	Art Unit	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 July 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Application History

1.   This action is responsive to application amendment, filed on 7/19/2004.

2.   Applicant has amended claims 1-9 and 25-32.

3.   Claims 1-32 are pending in the case, claims 1, 10, 16 and 25 are independent claims.

4.   Applicant has amended the specification in response to the objections cited by the examiner in the *Drawings* and *Specification* sections of the previous office action (dated 5/21/2004). Applicant's amendment has addressed the objections previously made, and therefore, in view of the amendment, objections to the drawings and specification are withdrawn. However, applicant's amendment has introduced new issues as described below.

Drawings

5.   The new drawings filed with the applicant's amendment of 7/19/2004 are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

- Reference character "22' has been used to designate both "*Application*" and "*Script*" in Figure 1.

- Reference characters "22a" and "22" have both been used to designate "*Application*"

- Reference characters "22b" and "22" have both been used to designate "*Script*"

6.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference sign "110" as described in applicant's amendment filed 7/19/2004 on page 2 in the last paragraph.

7.   Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8.   The disclosure is objected to because of the following informalities:

- The disclosure recites those reference signs listed in paragraph 6 above which are not shown in the drawings.

- The disclosure recites: "*Images may be captured under the direction of the application, or the application may be run after the*

images are captured in step 212" (applicant's amendment filed

7/19/2004, page 3, second paragraph). Reference sign 212 in

figure 4A is directed toward *"Upload image files from the camera to*

the server".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> *"A person shall be entitled to a patent unless –*
>
> *(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."*

10.   Claims 1, 7, 8-10, 16, and 22-24 remain rejected under 35 U.S.C. 102(e)

as being anticipated by Pavley US Patent 6,445,460 (filed 4/13/1999,

patented 9/3/2002).

11.   **Regarding independent claim 1**, Pavley recites: *"FIG. 4 illustrates a*

diagram of one embodiment for an image file 835. Image file 835 includes a

header 805, image data 810, a screennail 815, a thumbnail 820, and image

tags 825. Header 805 preferably includes information that identifies and

describes the various contents of image file 835. Image data 810 contains

actual captured image data" (column 4, lines 44-50). Pavley also recites:

"With the present invention, file attributes are used in order to synchronize file

handling in a photosystem environment, i.e., between a digital camera 110

and an externally connected computer system, as represented in FIG. 6. For

purposes of illustration, camera 110 is shown connected with a desktop

computer system 1100 and an Internet web server computer processing

system 1102" (column 5, lines 46-52). Pavley also discloses in Figure 7, at

reference sign 1208 a plurality of image files (shown as *"Another Image*

File?"). Pavley further recites: *"FIG. 7 illustrates a flow diagram of an overall*

process for automatic image file handling in accordance with the present

invention. The process initiates with selection of a desired rule set (step

1200). The rule set may be set up and selected in the camera 110, the

desktop system 1100, and/or the server system 1102. A system's file

manager program supports application of a rule document on a list of files by

opening each image file and examining the file attribute(s) associated with an

image file (step 1202)" (column 6, lines 24-33).

12.   **Regarding dependent claim 7**, Pavley recites: *"By way of further*

example, a goal may be established to conserve time by automatically having

image transfer occur between the camera 110 and a computer system, e.g.,

system 1100, in the photosystem environment. A rule set establishes that

image files not marked as archived are copied from the camera 110 to the system 1100 upon connection and are then marked as archived with an archive file attribute by the system 1100" (column 6, lines 10-17), (compare "*when image files are received*" to "*the camera to the system upon connection*").

13. **Regarding dependent claim 8**, Pavley recites: "A hidden file attribute provides a privacy feature that allows certain image files to be hidden and requires a password to access the file" (column 5, lines 36-39), (compare "*when image files are viewed*" to "*access the file*").

14. **Regarding dependent claims 9 and 24**, the claims are rejected for fully incorporating the deficiencies of the base claims.

15. **Regarding independent claims 10 and 16**, the claims are directed toward a computer readable medium or a system for the method of claim 1, and are rejected using the same rationale.

16. **Regarding dependent claim 22**, the claim is directed toward a system for the method of claim 7, and is rejected using the same rationale.

17. **Regarding dependent claim 23**, the claim is directed toward a system for the method of claim 8, and is rejected using the same rationale.

Claim Rejections - 35 USC § 103

18.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> *"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."*

19.   Claims 2, 3, 11, 12, 17, 18 and 25-29 remain rejected under 35 U.S.C.

103(a) as being unpatentable over Pavley in view of Gao, US Patent

6,581,094, filed 11/2/1999, patented 6/17/2003.

20.   **Regarding dependent claims 2 and 3,** Pavley discloses an image

capture device that stores digital images in image files, where the files contain

an image identifier and image data stored in tags, the image files received

over a network and assessable by a user as described above. Pavley fails to

disclose receiving tag definitions over a network that enable the development

of a camera application that uses the custom tags and a key ID. Gao teaches

the development of custom camera applications based upon device specific

criteria. Gao recites: *"the following code defines profile attributes 124. The*

code defines attributes for a number of devices, including a printer, projector,

camera" (column 7, lines 57-58, emphasis added). Gao also recites: *"The*

memory 48 also stores device vendor applications 54. The device vendor

applications 54 allow a vendor of digital devices to supply updates and

enhancements to digital devices within the networked environment 20" (column 2, line 67 to column 3, line 3). Gao defines the control of vendor applications as: *"The memory 72 also stores Universal Device Descriptor (UDD) files 76. The UDD files 76 may include a UDD file for the server 60 and UDD files for other digital devices within the networked environment 20"* (column 3, lines 29-32) and *"In a preferred embodiment of the invention, the UDD files are implemented as XML documents"* (column 4, lines 13-15) where the XML uses: *"Document Type Definition (DTD) is a set of syntax rules for tags. It specifies what tags can be used"* (column 3, lines 27-28).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the image files with custom tags of Pavley with the device specific application development of Gao in order to provide *"an input link from the digital camera's UDD, which has an output link to the storage device"* (Gao, column 15, lines 35-36).

21.   **Regarding dependent claims 11 and 12**, the claims are directed toward a computer readable medium for the method of claims 2 and 3 respectively, and are rejected using the same rationale.

22.   **Regarding dependent claims 17 and 18**, the claims are directed toward a system for the method of claims 2 and 3 respectively, and are rejected using the same rationale.

23.   **Regarding independent claim 25**, the claim is directed substantially the same subject matter as claims 1-3 combined, and is rejected using the same rationale.

24.   **Regarding dependent claim 26**, Pavley recites: *"In addition to image tags 825, in accordance with the present invention, file attribute designations 1000 are provided for image files"* (column 5, lines 25-27) where Pavley defines file attribute designations as *"file attributes that act as metadata for a file. A minimum subset of file tags referred to herein as file attribute designations for digital image files includes a read-only file attribute, a hidden file attribute, an archive file attribute, and a system file attribute"* (column 5, lines 31-35).

25.   **Regarding dependent claims 27 and 28**, Pavley discloses user tags in Figure 5 at reference sign 715, and custom tags at reference signs 720 and 735.

26.   **Regarding dependent claim 29**, Pavley recites: *"For example, capture information tags 710 may indicate focus setting, aperture setting, and other relevant information that may be used for effectively processing or analyzing the corresponding image data"* (column 4, line 66 to column 5 line 3).

27.   Claims 4-6, 13-15, 19-21 and 30-32 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Pavley in view of Gao, and in further view

of Manolis et al., US Patent 6,583,799, filed 11/29/1999, patented 6/24/2003 (hereinafter Manolis).

28.   **Regarding dependent claims 4 and 5**, Pavley and Gao disclose a method for customizing image file tags in camera applications as described above. Pavley and Gao fail to disclose the use of a database to store image data, or allowing a user network access to the image files. Manolis teaches the use of a database for image file storage and access. Manolis discloses in Figure 7, at reference sign 520, a *"DB Server"* as an element of the *"Image Archive Subsystem"*. Manolis also recites: *"After the user has entered the required information, the user presses the Next button 220 to arrive at the next screen--an image selection window 222 as shown in FIGS. 2B and 2C"* (column 2, lines 32-35).

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine the camera application with image files having customized tags of Pavley and Gao with the database storage and user access as taught by Manolis in order to provide *"software that allows a user to perform tasks such as communicating with other computer users, accessing various computer resources, and viewing, creating, or otherwise manipulating electronic content----that is, any combination of text, images"* (Manolis, column 1, lines 26-30).

29. **Regarding dependent claims 13 and 14**, the claims are directed toward a computer readable medium for the method of claims 4 and 5 respectively, and are rejected using the same rationale.

30. **Regarding dependent claims 19 and 20**, the claims are directed toward a system for the method of claims 4 and 5 respectively, and are rejected using the same rationale.

31. **Regarding dependent claims 30 and 31**, the claims contain substantially the same subject matter as claims 4 and 5 respectively, and are rejected using the same rationale.

32. **Regarding dependent claims 6, 15, 21 and 32**, the claims are rejected for fully incorporating the deficiencies of the base claims.

Response to Arguments

33.   Applicant's arguments filed 7/19/2004 have been fully considered but they

are not persuasive.

34.   **Regarding independent claim 1**, applicant recites: *"Pavley fails to*

disclose: (a) storing a key ID and a definition of one or more custom tags on a

server on a network; (b) receiving a plurality of image files over the network,

wherein each of the image files includes image data, the key ID, and the

custom tags containing data; and (c) automatically recognizing the image tiles

by the key ID and using the stored definition to extract the data from the

custom tags to make the data available to a user along with the image data"

(page 14, first paragraph). Applicant is directed to the rejection of claim 1 as

restated above.

In further support of this rejection, consider the following. Pavley discloses

in Figure 4, at reference sign 835, an image file with Image data (shown at

reference sign 810). Pavley defines the image data as *"The displayed text*

708 may include a specification of the name or number of the image, and the

date and time the image was captured" (column 4, lines 39-42). Compare

"Key ID" with *"number of the image"*. Pavley discloses the use of tags. Pavley

recites: *"Image file 835 includes a header 805, image data 810, a screennail*

815, a thumbnail 820, and image tags 825" (column 4, lines 44-47).

Pavley discloses in Figure 6, at reference sign 1102, a server storing

image files (reference sign 1104). Pavley discloses in Figure 6, the server

connected to a network of devices (shown as *"Camera"* and *"Desktop System"*, at reference signs 110 and 1100 respectively). Pavley discloses receiving the image files at the server. Pavley recites: *"The raw image data received from imaging device 114 is temporarily stored in several input buffers (not shown) within DRAM 346. Once the raw image data is processed, it is stored in a frame buffer"* (column 3, lines 42-44).

Pavley discloses automatically recognizing image files. Pavley recites: *"The present invention provides aspects for providing more automatic image file handling for a digital image capture device"* (column 1, lines 47-49). Pavley discloses displaying the image data and the image information stored in the image tags. Pavley recites: *"Once the raw image data is processed, it is stored in a frame buffer (not shown) for display on the LCD screen 402. In a preferred embodiment, the input buffers and the frame buffer are split into two ping-pong buffers to improve the display speed of the digital camera and to prevent the tearing of the image in the display 402. After processed image data has been stored in DRAM 346, LCD controller 390 transfers the image data to LCD screen 402 for display"* (column 3, lines 44-52).

35.   **Also, regarding claim 1**, applicant recites *"Gao and Pavley, either separately or in combination, fail to teach or suggest claim 1"* (page 16, second paragraph). Applicant is directed to the rejection of claim 1 as recited above, and to the further support for the rejection of claim 1 described above.

36.   **Also, regarding claim 1**, applicant recites "*Gao, Pavley and Manolis,*

either separately or in combination, fail to teach or suggest claim 1" (page 16,

second paragraph). Applicant is directed to the rejection of claim 1 as recited

above, and to the further support for the rejection of claim 1 described above.

37.   **Regarding independent claims 10 and 16**, applicant recites: "*the same*

comments for claim 1 apply to claim 10 (16)" (page 15, paragraphs 3 and 4).

Applicant is directed to the rejection of claim 1 as recited above, and to the

further support for the rejection of claim 1 described above.

Conclusion

38.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first

reply is filed within TWO MONTHS of the mailing date of this final action and

the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action.

In no event, however, will the statutory period for reply expire later than SIX

MONTHS from the mailing date of this final action.

39.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Gregory J. Vaughn whose telephone

number is (571) 272-4131. The examiner can normally be reached Monday to

Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124.

The fax phone number for the organization where this application or

proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status
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access to the Private PAIR system, contact the Electronic Business Center
(EBC) at 866-217-9197 (toll-free).

STEPHEN HONG
SUPERVISORY PATENT EXAMINER

Gregory J. Vaughn
January 7, 2005